



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:) Before the Examiner
Hai H. Trieu)
Serial No. 10/645,006)
August 21, 2003)
ALLOGENIC/XENOGENIC IMPLANTS)
AND METHODS FOR AUGMENTING)
OR REPAIRING INTERVERTEBRAL)
DISCS) March 5, 2004

INFORMATION DISCLOSURE STATEMENT

Mail Stop DD
Hon. Assistant Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R. §1.56, Applicant wishes to bring to the attention of the Examiner the items of information listed on the enclosed PTO Form SB/08A and/or SB08B (1449). This information has not been previously submitted in this application, and has not been heretofore cited by the Examiner.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on

March 5, 2004

(Date of Deposit)

Timothy N. Thomas

Name of Registered Representative

Timothy N. Thomas
Signature

March 5, 2004

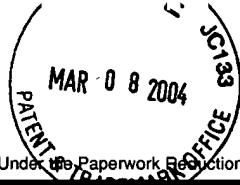
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The identified information, taken alone or in combination with other art, provides information relating to the subject matter of the invention, but fails to teach, disclose or suggest the present invention. The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b).

This Statement is being submitted prior to the mailing of any Office Action on the merits. It is believed that no fee is required for consideration of the submitted items. Should any fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By: 
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				Application Number	10/645,006
				Filing Date	August 21, 2003
				First Named Inventor	Hai H. Trieu
				Group Art Unit	3738
				Examiner Name	
Sheet	1	of	6	Attorney Docket Number	
4002-2624/PC531.00					

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (If known)			
	1	US-3,551,560	12/1970	Thiele	
	2	US-3,855,638	12/1974	Pilliar	
	3	US-3,875,595	4/1975	Froning	
	4	US-4,060,081	11/1977	Yannas et al.	
	5	US-4,085,466	4/1978	Goodfellow et al.	
	6	US-4,280,954	7/1981	Yannas et al.	
	7	US-4,344,193	8/1982	Kenny	
	8	US-4,349,921	9/1982	Kuntz	
	9	US-4,350,629	9/1982	Yannas et al.	
	10	US-4,378,224	3/1983	Nimni et al.	
	11	US-4,400,833	8/1983	Kurland	
	12	US-4,418,691	12/1983	Yannas et al.	
	13	US-4,448,718	5/1984	Yannas et al.	
	14	US-4,458,678	7/1984	Yannas et al.	
	15	US-4,505,266	3/1985	Yannas et al.	
	16	US-4,544,516	10/1985	Hughes et al.	
	17	US-4,578,079	3/1986	Ruoslahti et al.	
	18	US-4,589,881	5/1986	Pierschbacher et al.	

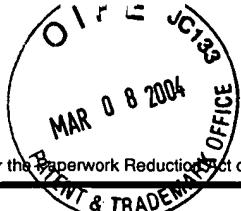
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
✓	1	GB01515963	06/1978			
✓	2	EP00305026	03/1988			
✓	3	EP00277678	10/1988			
✓	4	WO08910728	11/1989			

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

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Application Number 10/645,006

Application Number	10/645,006
Filing Date	August 21, 2003
First Named Inventor	Hai H. Trieu
Group Art Unit	3738
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Attorney Docket Number	4002-2624/PC531.00

Sheet **2** of **6** Attorney Docket Number **4002-2624/PC531.00**

U.S. PATENT DOCUMENTS

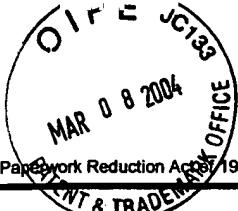
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		Number-Kind Code ² (If known)			
	19	US-4,614,794	9/1986	Easton et al.	
	20	US-4,627,853	12/1986	Campbell et al.	
	21	US-4,642,120	2/1987	Nevo et al.	
	22	US-4,661,111	4/1987	Ruosahti et al.	
	23	US-4,772,287	9/1988	Ray et al.	
	24	US-4,787,900	11/1988	Yannas	
	25	US-4,801,299	1/1989	Brendel et al.	
	26	US-4,837,285	6/1989	Berg et al.	
	27	US-4,879,135	11/1989	Greco et al.	
	28	US-4,880,492	11/1989	Erdmann et al.	
	29	US 4,904,260	02/1990	Ray et al.	
	30	US-4,946,792	8/1990	O'Leary	
	31	US-4,976,733	12/1990	Giradot	
	32	US-5,007,934	4/1991	Stone	
	33	US-5,067,962	11/1991	Campbell et al.	
	34	US-5,108,438	4/1992	Stone	
	35	US-5,229,497	7/1993	Boni	
	36	US-5,258,043	11/1993	Stone	

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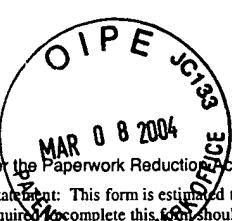
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	37	US-5,507,810	04/1996	Prewett et al.	
	38	US-5,607,476	04/1997	Prewett et al.	
	39	US 5,713,959	02/1998	Bartlett et al.	
	40	US 5,733,337	03/1998	Carr, Jr. et al.	
	41	US 5,922,028	07/1999	Plouhar et al.	
	42	US 5,964,807	10/1999	Gan et al.	
	43	US 5,980,504	11/1999	Sharkey et al.	
	44	US 6,007,570	12/1999	Sharkey et al.	
	45	US 6,025,538	02/2000	Yaccarino, III	
	46	US 6,073,051	06/2000	Sharkey et al.	
	47	US 6,077,989	06/2000	Kandel et al.	
	48	US 6,080,194	06/2000	Pachence et al.	
	49	US 6,095,149	08/2000	Sharkey et al.	
	50	US 6,099,514	08/2000	Sharkey et al.	
	51	US 6,122,549	09/2000	Sharkey et al.	
	52	US 6,123,731	09/2000	Boyce et al.	
	53	US 6,126,682	10/2000	Sharkey et al.	
	54	US 6,140,452	10/2000	Felt et al.	

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Sheet	4	of	6	Attorney Docket Number	4002-2624/PC531.00		

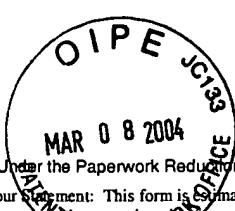
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	55	US 6,146,422	11/2000	Lawson	
	56	US 6,176,880	01/2001	Plouhar et al.	
	57	US 6,224,630	05/2001	Bao et al.	
	58	US 6,240,926	06/2001	Chin Gan et al.	
	59	US 6,261,311	07/2001	Sharkey et al.	
	60	US 6,264,695	07/2001	Stoy	
	61	US 6,290,715	09/2001	Sharkey et al.	
	62	US 6,306,169	10/2001	Lee et al.	
	63	US 6,306,177	10/2001	Felt et al.	
	64	US 6,322,786	11/2001	Anderson	
	65	US 6,340,369	01/2002	Ferree	
	66	US 6,344,058	02/2002	Ferree	
	67	US 6,352,557	03/2002	Ferree	
	68	US 6,352,558	03/2002	Spector	
	69	2002/0038150	03/2002	Urry	
	70	US 6,402,784	06/2002	Wardlaw	
	71	US 6,425,919	07/2002	Lambrecht	
	72	US 6,428,576	08/2002	Haldimann	

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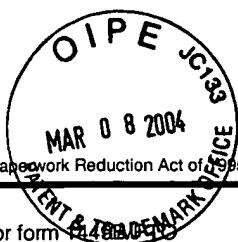
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		Filing Date	August 21, 2003
		First Named Inventor	Hai H. Trieu
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		Examiner Name	
Sheet	5	of	6
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